

March 2,2021

RE: OPPOSE H.B. 6355 - AN ACT CONCERNING A RISK PROTECTION ORDER OR WARRANT

TO: The members of the Judiciary Committee, ([judtestimony@cga.ct.gov](mailto:judtestimony@cga.ct.gov))

I strongly oppose HB6355 for many reasons. Here are a few:

- 1) It drastically expands who can request the order or warrant to include family, a household member, or medical professional (i.e., spouse, parent, child, sibling, grandparent, grandchild, step-parent, step-child, step-sibling, mother or father-in-law, son or daughter-in-law, brother or sister-in-law, anyone residing with the person, person who has a child in common, dating or intimate partner, legal guardian or former legal guardian, or medical professional) It should be obvious from this extended list that in many cases this opens a lawful possessor of firearms to abuse by “ex’s” as well as family members who are anti-gun.
- 2) Expands the authority of judges to ban possession and acquisition of firearms or ammunition with only probable cause, and whether or not they currently possess firearms or ammunition. Probable cause with no investigation is not a sufficient standard to warrant the removal of a person’s property and 2<sup>nd</sup> amendment rights. This is illustrated by the next point.
- 3) Eliminates the impact of an independent investigation to substantiate probable cause. As stated above, this is too low a standard to warrant the impounding of property and the suspension of a constitutional right.
- 4) Removes the one-year duration of the seizure warrant and instead makes it indefinite. This is particularly outrageous given that the person may not have had his day in court. In addition, many LEO organizations will not guarantee the status of impounded materials that have been held over 1 year. This is a blatant back-door attempt to just remove firearms from lawful possessors.
- 5) Shifts the burden of proof onto the respondent to lift orders by suing the court that issued the order, but only after 180 days have passed. Again, having to sue the government for restoration of property turns our legal system on its head, and totally voids the presumption of innocence. Why is there a 180 day wait? What real purpose does it serve?
- 6) Removes the ability to transfer firearms to an eligible third party (i.e. a friend or family member) and requires transfer to an FFL. This provision is aimed squarely at low income and minority citizens who do not have inexpensive access to firearms storage via an FFL, and who do not have the means to fight to have their property returned from law enforcement. Are there documented cases of people giving the ‘offender’ back the firearms for subsequent illegal use? Sounds like this is more like trying to solve a problem that does not exist.
- 7) Makes having an order against a person a legal disqualifier to lawfully possess, acquire, or carry a firearm. This again flies in the face of presumed innocence given that no investigation is required for this order/warrant. How can we be suspending a person’s constitutional rights and impounding their property without even an investigation?
- 8) There are already laws on the books that cover the emergency arrest of a person who has threatened or is planning harm to himself or to someone else. These laws require sworn statements that make the swearer liable for perjury charges. These laws also require that an investigation be done before the warrant is issued. This is much more in keeping with a fair, constitutionally based legal system.

This bill turns a presumably temporary order into a permanent one without any concern for due process, with no participation of the accused, and without any independent investigation into the matter. It gives judges the authority to permanently strip a person’s constitutional rights with few avenues of recourse for the respondent. On top of all of these concerns, the bill gives no details on counsel for the respondent, the respondent’s ability to provide for their own witnesses or the cross examination of others. The unintended consequence of this bill is that gun owners will no longer seek mental health treatment because of fear of losing their rights.

Thank you for the opportunity to provide opposing testimony regarding this bill.

Respectfully,

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